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August 20, 2018

VIA ECF

Hon. I. Leo Glasser
U.S. District Judge
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Room 921 South
Brooklyn, NY 11201

Hon. James Orenstein
U.S. Magistrate Judge
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Room 1227 South
Brooklyn, NY 11201

Re: *Young Advocates for Fair Education v. Andrew Cuomo, et al.*,
EDNY Case No. 18-cv-4167

Your Honor:

I write on behalf of Plaintiff Young Advocates for Fair Education (“YAFFED”), regarding the schedule for briefing YAFFED’s motion for a preliminary injunction and Defendants’ motion to dismiss. Specifically, I write to advise of a change in proposed timing for filing of plaintiff’s proposed preliminary injunction motion. Plaintiff now plans to file its motion on August 24, 2018, instead of August 21, 2018. Plaintiff has conferred with Defendants and agreed to provide a commensurate extension on the dates for other briefs responding to the proposed preliminary injunction motion, explained below. This proposal would not change the dates already set by Magistrate Judge Orenstein for Defendants’ motion to dismiss.

In my letter of August 8, 2018 (Dkt. 12), I informed the Court that YAFFED and Defendants had agreed to a briefing schedule as follows:

- Plaintiff will file on August 21, 2018 a motion for a preliminary injunction;
- By October 2, 2018, Defendants will file their opposition to YAFFED’s motion for a preliminary injunction and a cross-motion to dismiss;

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Hon. I. Leo Glasser & Hon. James Orenstein
August 20, 2018

- By October 16, 2018, YAFFED will file its opposition to defendants' motion to dismiss and its reply in support of its preliminary injunction motion; and
- By October 26, 2018, Defendants will file their reply in support of their motion to dismiss.
- Defendants also agree not to use plaintiff's agreement to a briefing schedule on the preliminary injunction and to an extension for defendants' motion to dismiss as an argument against a preliminary injunction.

Plaintiff now plans to file its preliminary injunction motion on August 24, 2018. As a result, plaintiff proposes the following briefing schedule for the preliminary injunction motion, which we have discussed with Defendants:

- Plaintiff will file on August 24, 2018 a motion for a preliminary injunction;
- By October 5, 2018, Defendants will file their opposition to YAFFED's motion for a preliminary injunction;
- By October 19, 2018, YAFFED will file its reply in support of its preliminary injunction motion; and
- Defendants agree not to use plaintiff's agreement to a briefing schedule on the preliminary injunction and to an extension for defendants' motion to dismiss as an argument against a preliminary injunction.

Defendants do not oppose this proposal.

In the order dated August 8, 2018, Magistrate Judge Orenstein granted the briefing schedule with respect to Defendants' motion to dismiss, deferring to the assigned district judge with respect to the scheduling of the preliminary injunction motion. **This proposal does not propose changes to the dates for briefing the motion to dismiss.**

On August 9, 2018, Magistrate Judge Orenstein issued a case management & scheduling order (Dkt. 14) that set a discovery planning conference on October 4, 2018. Should the Court wish to hold the discovery planning conference after the opposition brief has been submitted on the motion for preliminary injunction, Plaintiff has confirmed with Defendants that the parties are available to adjourn the discovery planning conference to another date should the Court determine to do so.

As a result of this proposal on briefing for the preliminary injunction motion, the current full schedule of briefing and conferences is as follows (new dates in italics):

Hon. I. Leo Glasser & Hon. James Orenstein
August 20, 2018

Date	Item
<i>August 24, 2018</i>	<i>Plaintiff's Motion for Preliminary Injunction</i>
October 2, 2018	Defendants' Motion to Dismiss Joint Discovery Plan
October 4, 2018, 9:30 a.m.	Discovery Planning Conference per Dkt. 14 Parties' Initial Disclosures
<i>October 5, 2018</i>	<i>Defendant's Opposition to Plaintiff's Motion for a Preliminary Injunction</i>
October 16, 2018	Plaintiff's Opposition to Defendants' Motion to Dismiss
<i>October 19, 2018</i>	<i>Plaintiff's Reply in support of its Preliminary Injunction Motion</i>
October 26, 2018	Defendants' Reply in support of their Motion to Dismiss

Respectfully submitted,

/s/ Eric H. Huang

Eric Hui-chieh Huang

cc: All counsel by ECF